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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,923	01/26/2004	Victor A. Quattrini	639-011497-US (PAR)	9635
23990	7590	11/24/2008		
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			EXAMINER HAGEMAN, MARK	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 11/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/764,923

Applicant(s)

QUATTRINI ET AL.

Examiner

Mark Hageman

Art Unit

3653

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 14-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 3, 6-8, 11 and 13 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 9, 10, and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 14-20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the method can be performed by a materially different apparatus. In this case the method can be performed with funnel materially different from that recited in the apparatus claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 14-20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by US 1,347,179 to Schnitzspahn. Schnitzspahn discloses:

a device for manually loading coins in a coin canister of a coin dispenser, the canister having a series of tubular receptacles (6 area defined by lugs) for holding a stack of coins, the device comprising:

a stand (7) constructed to receive the coin canister and secure the coin canister in a loading position;

a funnel (1) having a body portion and a spout portion mounted for sliding movement on the coin canister along the series of tubular receptacles for alignment in a first position with a first one of the series of tubular receptacles and for alignment in a second position with a second one of the series of tubular receptacles, the funnel body having an opening (figure 1 and p1 lines 31+) to allow the insertion of coins and an internal coin passage constructed to provide a flow path for the coins to pass into the coin canister receptacles in a metered flow through an exit (3 and p1 lines 39+) constructed in the spout, wherein the funnel is capable of being disposed in an upper vertical position and lower vertical position, wherein the upper vertical position allows the funnel to slide horizontally along the series of tubular receptacles, and the lower vertical position restricts the funnel from sliding along the series of tubular receptacles.

Examiner contends that the areas defined by lugs 6 are capable of holding more than one coin and would do so if the coins were relatively thin compared to

the lugs and the slit. US 992,963 discloses a similar device and discusses a similar situation on page 1 lines 60+. Regarding, " wherein the funnel is capable of being disposed in an upper vertical position and lower vertical position, wherein the upper vertical position allows the funnel to slide horizontally along the series of tubular receptacles, and the lower vertical position restricts the funnel from sliding along the series of tubular receptacles.," examiner contends that this language is functional and the funnel of Schnitzspahn is fully capable of being disposed in the claimed manner, see MPEP 2114. For instance as the funnel is not connected it could readily be turned 90 degrees in a position in which it would be constrained by the lugs. Examiner acknowledges the attempt to incorporate examiner's suggestions but the amended language is still anticipated due to the functional nature of the language and the fact that no specific relationship of the funnel and receptacle is recited that would overcome the prior art.

-Regarding claim 5- Schnitzspahn discloses a device, according to claim 1, wherein the stand is constructed having protrusions which engage the tubular receptacles of the canister to square off the tubular receptacles and assist the seating of the coins as the coins are loaded therein (figure 1 top surface).

-Regarding claim 10- Schnitzspahn discloses, a device for manually loading coins, according to claim 1, wherein the stand is constructed to receive the canister and hold the canister angled from the vertical (figure 2).

-Regarding claim 12- Schnitzspahn discloses a canister (the rails and lugs) secured in a loading position by the stand.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schnitzspahn in view of Perkitny. Schnitzspahn discloses all the limitations of the claim except a ramp extending transverse to the coin passage to divide the coin passage into an upper stage and a lower stage to elongate the path by which the coins pass through the funnel, thereby encouraging a metered flow of coins through the funnel. Perkitny discloses a ramp (216) extending transverse to the coin passage to divide the coin passage into an upper stage and a lower stage to elongate the path by which the coins pass through the funnel, thereby encouraging a metered flow of coins through the funnel (para 0069 lines 3-5) to reduce the likelihood of jamming (para 69 lines 4+).

It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to have modified Schnitzspahn to include a ramp extending transverse to the coin passage to divide the coin passage into an upper stage and a lower stage to elongate the path by which the coins pass through the funnel, thereby encouraging a metered flow of coins through the funnel, as taught by Perkitny, to reduce the likelihood of jamming.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schnitzspahn in view of Yamaguchi. Schnitzspahn discloses all the limitations of the claim except, brackets constructed to receive said coin loading device for storage. Yamaguchi teaches brackets (7) constructed to receive said coin loading device for storage, such that "holder 1... can be retained in the operative position stably" (para 0069 lines 4-5).

It would have been obvious to one of ordinary skill in the art at the time of applicants' invention to have modified the stand of Schnitzspahn to include the brackets taught by Yamaguchi for the purpose of retaining the coin-loading device, in a position stably.

Allowable Subject Matter

6. Claims 2, 3, 6-8, 11, and 13 are allowed.

Response to Arguments

7. Applicant's arguments filed 9-22-2008 have been fully considered but they are not persuasive. Relative to claim one the amended language is still functional and does not overcome the prior art. This is discussed in detail above. Examiner maintains, as discussed, that the funnel of Schnitzspahn is readily capable of being disposed as claimed.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Hageman whose telephone number is (571) 272-3027. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
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MCH